

PATENT**REMARKS**

Claims 2 and 7-9 have been rejected as being obvious over Wang (World International Publication Number WO 01/18987) in view of Meier (U.S. Patent Application 2002/0172168) under 35 U.S.C. § 103(a). Claims 3 and 4 have been rejected as being obvious over Wang in view of Meier and further in view of Choi (U.S. Patent Application 2002/0018457) under 35 U.S.C. § 103(a). In this response, Applicant traverses all of the rejections

35 U.S.C. § 103(a) rejections

Examiner responds to Applicant's arguments filed 15 November 2004 by stating "Applicant's assertion that the cited art does not teach transmit configuration, separate I and Q components, modulation path or spreading coder are clearly incorrect and relevant passages have been cited in the rejections."

Applicant respectfully disagrees. The cited references have no **selection of the modulation path** which is a feature in all of Applicant's claims. Wang specifically teaches "a **modulation code** is selected from a set of modulation codes" and further that "the selected modulation code may comprise a complex modulation code that is optimized to reduce the number of coincident undesirable chip strips in I and Q component sequences of the complex modulation code." Further, the code may be "optimized to reduce the number of **coincident chip strips in I and Q component sequences of the complex modulation code.**" Please see Wang page 5, line 30 to page 6, line 10. Therefore, in contrast to Applicant's claims, the cited references presuppose a complex modulation code that is transmitted over I and Q paths, and there is **no selection of the modulation path**.

Applicant restated the arguments to the previous office action. There is no *prima facie* case of obviousness against any of Applicant's claims. None of Applicant's claims are obvious over Wang in combination with Meier, or Wang in combination with Meier and Choi. This is because neither Wang, nor Wang in combination with Meier and Choi, recites all features of Applicant's claims.

For example, all of Applicant's claims include the feature "determining a transmission configuration" where the transmission configuration includes a "spreading code and a

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modulation path.” Applicant’s specification as originally filed defines determining a transmission configuration as determining a transmission pair including “a transmission branch and a spreading code. The DPCCH may be mapped to the I branch or the Q branch.” Furthermore, “a given code may perform differently on each branch.”

Note this is directly in contrast to Wang. Wang uses both I and Q branches and selects a code as to “minimize the number of coincident undesirable chip strips in I and Q component sequences of the complex modulation code” (please see Wang page 5, line 30 through page 6, line 13). Nowhere does Wang in isolation or in combination with Meir, or Choi, or Meir and Choi suggest determining a transmission configuration, including a modulation path and a spreading code. Therefore, all of Applicant’s claims are patentable over Wang, Wang and Meir, and Wang and Meir and Choi.

PATENT**CONCLUSION**

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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